

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 FEET FOR A PROPOSED ADDITION TO AN EXISTING SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JOSEPH CASTELLO, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 08-23-04 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 FEET FOR A PROPOSED ADDITION TO AN EXISTING SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JOSEPH CASTELLO, APPLICANT); OR
2. **DENY** REQUEST FOR FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 FEET FOR A PROPOSED ADDITION TO AN EXISTING SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JOSEPH CASTELLO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: JOSEPH CASTELLO LOCATION: 350 LAKE MARKHAM ROAD ZONING: A-1 (AGRICULTURE DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A HOME ADDITION THAT WOULD ENCROACH 15 FEET INTO THE MINIMUM 50 FOOT FRONT YARD SETBACK; THE AFOREMENTIONED FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 FEET IS THEREBY REQUESTED. • THE EXISTING HOUSE WAS BUILT IN 1960, WHEN THE MINIMUM FRONT YARD SETBACK WAS 25 FEET. SUBSEQUENT AMENDMENTS TO THE CODE RENDERED THE HOME NON-CONFORMING WITH RESPECT TO THE MINIMUM FRONT YARD SETBACK. • THE PROPOSED ADDITION IS TO BE BUILT ONTO THE BACK OF THE EXISTING HOUSE. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING

	BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY AND THE EXISTING HOUSE HAVE BEEN DEMONSTRATED.• ALTHOUGH THE PROPOSED ADDITION WOULD ENCROACH INTO THE MINIMUM FRONT YARD SETBACK, NO PORTION OF THE ADDITION WOULD ENCROACH FURTHER THAN THE EXISTING HOME.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE A-1 DISTRICT.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BV2004-118

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

ix **VARIANCE** FY SETBACK VARIANCE FROM 50' TO 35'
FOR AN ADDITION TO AN EXISTING HOME (NOTE-HOME IS NON-CONFORMING
SPECIAL EXCEPTION (AND IS 28-56' FROM FRONT PROPERTY LINE)

MOBILE HOME SPECIAL EXCEPTION

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

RECEIVED

JUN 28 2004

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Joseph Castello</u>	
ADDRESS	<u>350 Lake Markham RD</u>	
	<u>Sanford FL 32771</u>	
PHONE 1	<u>407-467-4761</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: Same as above

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: See attached

SIZE OF PROPERTY: 1.6 acre(s) PARCEL I.D. 26-19-29-300-0100-0000

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO (A DOC)

This request will be considered at the Board of Adjustment regular meeting on Aug. 23, 2004 6 PM
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County
Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application
are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT* [Signature]

DATE 6-28-04

* Proof of owner's authorization is required with submittal if signed by agent.

I:\projects\boa\master forms & lists\boa applications\boa application.doc

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 5 FLU/ZONING SE/A-1
 LOCATION FURTHER DESCRIBED AS ON WEST SIDE OF LAKE MARKHAM RD.
 AT THE INTERSECTION WITH CANAL DR.

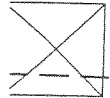
PLANNER VB DATE 6/28/04

SUFFICIENCY COMMENTS APPLICANT WILL SEND SITE PLAN

NOTE:

FIELD VERIFY TREE LOCATIONS

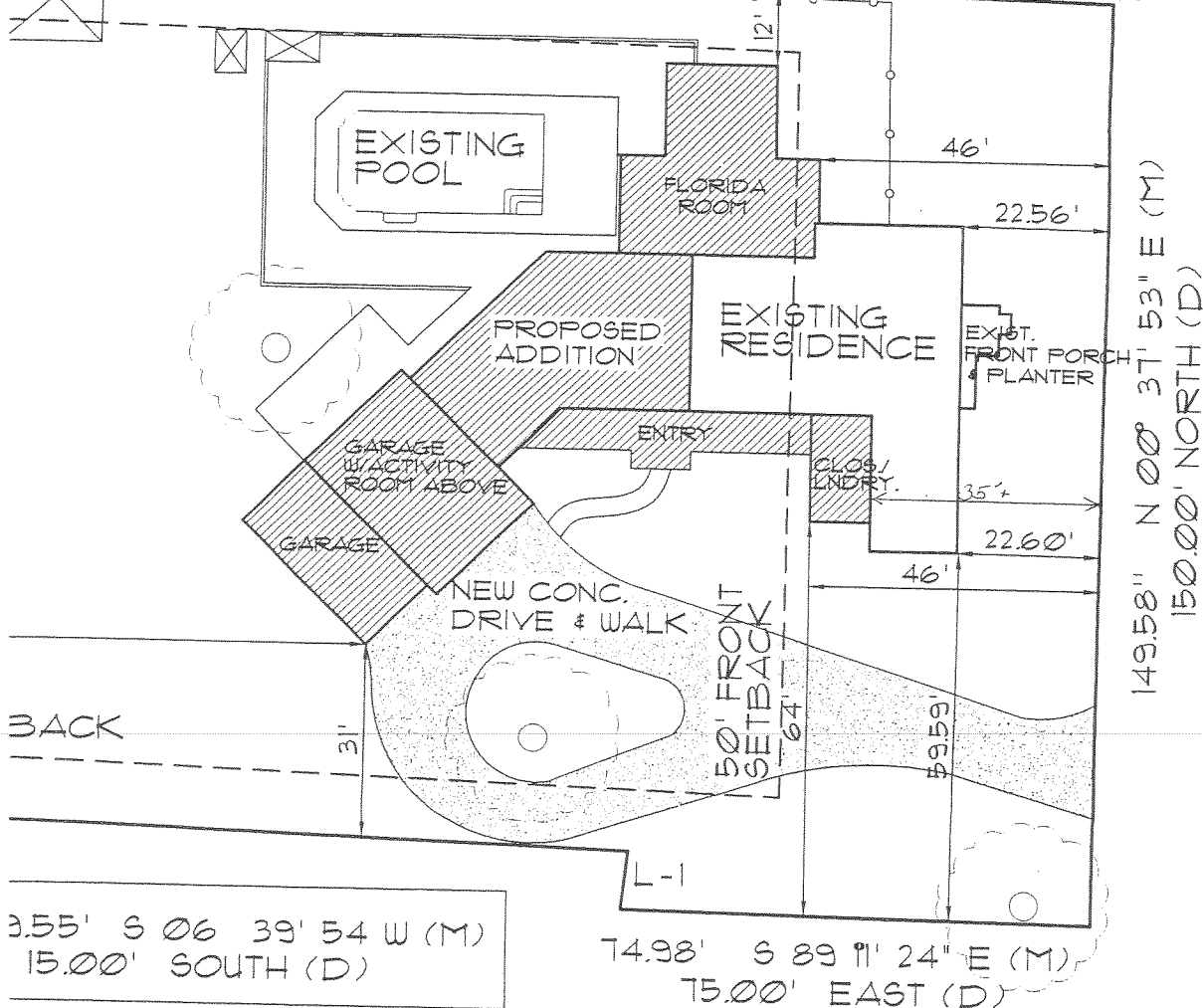
'ST. WELL
IF HOUSE


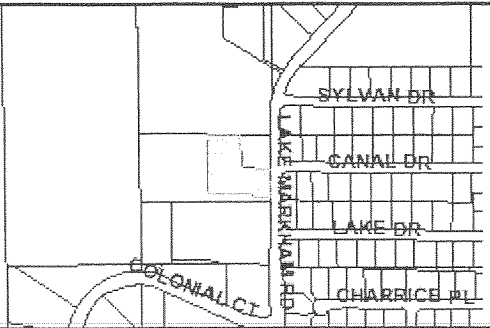
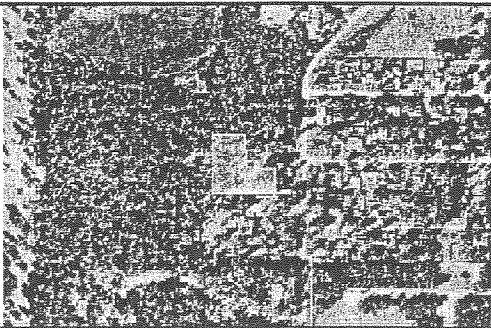


165.17" N 00° 46' 48" E (M)
165.00' NORTH (D)

134.96' N 88° 47' 38" W (M)
135.00' WEST (D)

~~135.00' WEST (D)~~



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH	◀ Back ▶																																				
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																									
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 26-19-29-300-0100-0000 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: CASTELLO JOSEPH Exemptions: 00-HOMESTEAD</p> <p>Address: 350 LAKE MARKHAM RD</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 350 LAKE MARKHAM RD SANFORD 32771</p> <p>Subdivision Name:</p> <p style="padding-left: 40px;">Dor: 01-SINGLE FAMILY</p>			<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$76,519</p> <p>Depreciated EXFT Value: \$8,641</p> <p>Land Value (Market): \$44,800</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$129,960</p> <p>Assessed Value (SOH): \$129,960</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$104,960</p>																																						
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>01/2003</td> <td>04693</td> <td>1249</td> <td>\$130,000</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>05/2002</td> <td>04416</td> <td>0504</td> <td>\$97,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1996</td> <td>03137</td> <td>0542</td> <td>\$105,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1979</td> <td>01243</td> <td>0628</td> <td>\$40,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1971</td> <td>00862</td> <td>0389</td> <td>\$20,500</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	01/2003	04693	1249	\$130,000	Improved	CERTIFICATE OF TITLE	05/2002	04416	0504	\$97,000	Improved	WARRANTY DEED	09/1996	03137	0542	\$105,000	Improved	WARRANTY DEED	09/1979	01243	0628	\$40,000	Improved	WARRANTY DEED	01/1971	00862	0389	\$20,500	Improved	<p style="text-align: center;">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,152</p> <p>2003 Tax Bill Amount: \$2,152</p> <p>Savings Due To SOH: \$0</p> <p>2003 Taxable Value: \$125,495</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
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BUILDING INFORMATION																																									
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value Est. Cost New																																	
1	SINGLE FAMILY	1960	6	1,004	2,608	1,544	CB/STUCCO FINISH	\$76,519 \$100,683																																	
	Appendage / Sqft		CARPORT FINISHED / 288																																						
	Appendage / Sqft		SCREEN PORCH FINISHED / 96																																						
	Appendage / Sqft		BASE / 300																																						
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EXTRA FEATURE																																									
	Description	Year Blt	Units	EXFT Value	Est. Cost New																																				
	POOL GUNITE	1983	512	\$4,864	\$10,240																																				
	COOL DECK PATIO	1983	448	\$745	\$1,568																																				
	FIREPLACE	1970	1	\$600	\$1,500																																				

ALUM CARPORT NO FLOOR	1996	360	\$1,056	\$1,440
WOOD UTILITY BLDG	1983	144	\$346	\$864
POLE/BARNS/BELOW AVG	1960	736	\$1,030	\$2,576

NOTE: Assessed values shown are *NOT* certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

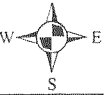
*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

[BACK](#)

[PROPERTY APPRAISER
HOME PAGE](#)

[CONTACT](#)

**Joseph Castello
350 Lake Markham Road**



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 26 TWP 19S RGE 29E BEG 165 FT W OF NE COR OF SW 1/4 OF SW 1/4
OF NW 1/4 RUN W 165 FT S 300 FT E 225 FT S 15 FT E 75 FT N 150 FT W 135 FT N
165 FT TO BEG

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: JOSEPH CASTELLO
350 LAKE MARKHAM ROAD
SANFORD, FL 32771

Project Name: LAKE MARKHAM ROAD (350)

Requested Development Approval:

1. FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 FEET FOR A PROPOSED ADDITION TO AN EXISTING SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted will apply only to the proposed addition as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: